

March 9 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

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FAX FILED

MAR 09 2010

CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Rule 7 Mediator

IN THE SUPREME COURT OF THE STATE OF MONTANA  
Supreme Court Cause No. DA-09-0578

HERMAN GONZALES; FAWN LYONS;  
KEN LAUDATO; LAWRENCE  
WALKER; GARY MANSIKKA; GARY  
GALETTI; GREG WHITING; MARVIN  
KRONE; RICHARD BLACK; JIM  
KELLY; CHRIS SOUSLEY; and all  
others similarly situated,

Plaintiffs/Appellees,

vs.

MONTANA POWER COMPANY;  
NORTHWESTERN CORPORATION, a  
Delaware Corporation, as a reorganized  
debtor, subsequent to its plan  
confirmation, hereinafter referred to as  
NOR; NORTHWESTERN  
CORPORATION d/b/a  
NORTHWESTERN ENERGY; PUTMAN  
AND ASSOCIATES, INC., a Montana  
Corporation; and JOHN DOES IV-XX,

Defendants/Appellants.

Montana Second Judicial District  
Court  
Silver Bow County  
Cause No. DV-98-253

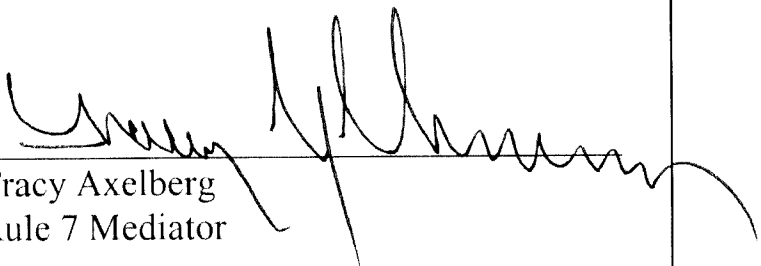
**RULE 7 MEDIATOR'S  
FIFTH STATUS REPORT  
TO THE COURT**

1        There has been a temporary setback in our efforts to finalize the settlement  
2 documents. One of the principle architects of those documents, Lon Dale, was unable  
3 to get a pending civil case settled (due to an ineffective mediator - see signator below)  
4 and tried the case in Billings during the week of March 1, 2010. As such, Mr. Dale  
5 has been largely unavailable since the filing of the last status report.  
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8        Counsel and the undersigned are scheduled to meet in Helena for another (and  
9 hopefully final) work session on March 25, 2010. Another status report will be filed  
10 with the Court on March 26, 2010.  
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12        We appreciate the Court's patience.

13        RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of March, 2010.  
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18        Tracy Axelberg  
19        Rule 7 Mediator  
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